

EXHIBIT "J"

J

Faust v. The City of Lancaster, et al.

Officer Stephen M. Detz

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SANDRA FAUST, as the ADMINISTRATOR :
of the Estate of DANIEL FAUST, :
Deceased, and SANDRA FAUST, in her :
own right :

V. :

THE CITY OF LANCASTER, Et Al. : NO. 07-4691

September 17, 2008

Oral deposition of OFFICER STEPHEN M. DETZ,
taken pursuant to notice, held at Warwick Township
Municipal Building, 315 Clay Road, Lititz,
Pennsylvania, 17543, commencing at 1:49 p.m.,
before Gina B. Meloni-Pinto, Certified Shorthand
Reporter, there being present.

MELONI COURT REPORTING
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P.O. Box 20090
Philadelphia, Pennsylvania 19145
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<p style="text-align: right;">Page 5</p> <p>1 ---</p> <p>2 (It is hereby stipulated and agreed,</p> <p>3 by and between counsel, that the reading,</p> <p>4 signing, sealing, filing and certification</p> <p>5 are waived, and that all objections, except</p> <p>6 as to the form of the question, are</p> <p>7 reserved until the time of trial.</p> <p>8 ---</p> <p>9 OFFICER STEPHEN M. DETZ, after</p> <p>10 having first been sworn, was examined and</p> <p>11 testified as follows:</p> <p>12 ---</p> <p>13 EXAMINATION</p> <p>14 ---</p> <p>15 BY MR. BERG:</p> <p>16 Q. Officer Detz, my name is</p> <p>17 Philip Berg, and I represent the plaintiffs in</p> <p>18 this case. I'm going to ask you some questions.</p> <p>19 Have you ever been deposed</p> <p>20 before?</p> <p>21 A. Yes.</p> <p>22 Q. I'll give you basic instructions.</p> <p>23 Please let me finish my questions before you begin</p> <p>24 your answer. The court reporter can only take</p>	<p style="text-align: right;">Page 7</p> <p>1 ---</p> <p>2 BY MR. BERG:</p> <p>3 Q. Back on the record, at the end of</p> <p>4 this, you're going to present your driver's</p> <p>5 license and Police ID to your counsel, who will</p> <p>6 read certain information in. We will not ask you</p> <p>7 for your Social Security number or your home</p> <p>8 address.</p> <p>9 Do you have any restrictions on</p> <p>10 your driver's license?</p> <p>11 A. Corrective lenses.</p> <p>12 Q. Are you wearing them today?</p> <p>13 A. Contact lenses.</p> <p>14 Q. Were you wearing them on the night of</p> <p>15 this incident?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What high school did you go to, and</p> <p>18 when did you graduate?</p> <p>19 A. I went to Elizabethtown Area High School</p> <p>20 and graduated in 1998.</p> <p>21 Q. Did you go to college at all?</p> <p>22 A. Yes, I did.</p> <p>23 Q. Where, sir?</p> <p>24 A. I attended Harrisburg Area Community</p>
<p style="text-align: right;">Page 6</p> <p>1 down one of us at a time.</p> <p>2 If you do not understand the</p> <p>3 question, please say so, because whatever answer</p> <p>4 you give will be assumed that you understood the</p> <p>5 question. That's basic enough.</p> <p>6 Do you understand those</p> <p>7 instructions?</p> <p>8 A. Yes.</p> <p>9 Q. Do you read, write and understand the</p> <p>10 English language?</p> <p>11 A. Yes.</p> <p>12 Q. State your full name.</p> <p>13 A. Stephen, S-T-E-P-H-E-N, Michael Detz,</p> <p>14 D-E-T-Z.</p> <p>15 Q. Your business address?</p> <p>16 A. 7 South Broad Street, Lititz, PA, 17543.</p> <p>17 Q. How old are you, sir?</p> <p>18 A. I am 28.</p> <p>19 Q. Your date of birth?</p> <p>20 A. 6-8-80.</p> <p>21 MR. BERG: Off for a second.</p> <p>22 ---</p> <p>23 (Whereupon, an off-the-record</p> <p>24 discussion took place.)</p>	<p style="text-align: right;">Page 8</p> <p>1 College.</p> <p>2 Q. Did you get any degree from there?</p> <p>3 A. I have an Associate's degree from</p> <p>4 Harrisburg. I attended Alvernia College, and I</p> <p>5 have a Bachelor's degree from Alvernia.</p> <p>6 Q. What is the Associate's degree?</p> <p>7 A. Both in Criminal Justice.</p> <p>8 Q. Are you currently employed?</p> <p>9 A. Yes.</p> <p>10 Q. With whom?</p> <p>11 A. With the Lititz Borough Police Department.</p> <p>12 Q. When were you hired by them?</p> <p>13 A. June 2, 2003.</p> <p>14 Q. When did you graduate Alvernia?</p> <p>15 A. Alvernia was 2004.</p> <p>16 Q. Did you work for any police</p> <p>17 department before you worked for Lititz Police</p> <p>18 Department?</p> <p>19 A. I worked for Oley Township Police</p> <p>20 Department.</p> <p>21 Q. Are they in Lancaster County also?</p> <p>22 A. They're in Berks County.</p> <p>23 Q. How long were you employed by them?</p> <p>24 A. Only a couple months, maybe two.</p>

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<p>1 Q. And you left there because?</p> <p>2 A. I worked there part-time, and Lititz</p> <p>3 offered me full-time employment.</p> <p>4 Q. What position do you currently hold</p> <p>5 with the Lititz Police Department?</p> <p>6 A. Patrol officer.</p> <p>7 Q. Did you go through police training?</p> <p>8 And if so, when and where?</p> <p>9 A. I went through the Reading Area Police</p> <p>10 Academy, Reading Police Academy.</p> <p>11 Q. Do you know when you went there?</p> <p>12 A. That was -- I just realized the date I gave</p> <p>13 you for college was wrong. It was 2002, not 2004.</p> <p>14 I went to the Academy in 2001.</p> <p>15 Q. How long is the Academy?</p> <p>16 A. Six months approximately.</p> <p>17 Q. If at any time you remember some</p> <p>18 different answer, you can offer that up. There's</p> <p>19 no problem with that.</p> <p>20 On November 7th and November</p> <p>21 8th of 2005, were you employed by the Lititz</p> <p>22 Police Department?</p> <p>23 A. Yes.</p> <p>24 Q. In your police training, were you</p>	<p>1 somebody with a gun.</p> <p>2 Q. And you received that type of</p> <p>3 training in Reading at the Reading Police Academy?</p> <p>4 A. Reading Police Academy and continuing</p> <p>5 training.</p> <p>6 Q. Were you taught how to handle a</p> <p>7 situation when another law officer is shot?</p> <p>8 A. Specifically, no.</p> <p>9 Q. But generally?</p> <p>10 A. Training is generalized because you can't</p> <p>11 predict every situation.</p> <p>12 Q. Are you required to retrain in any</p> <p>13 areas that you were taught in your usual police</p> <p>14 training, like, do you get recertified?</p> <p>15 A. Requalified for firearms, ASP, OC spray,</p> <p>16 A-S-P.</p> <p>17 Q. What is that?</p> <p>18 A. Expandable baton.</p> <p>19 Q. How often are you certified or</p> <p>20 recertified in the firearms? Is each one</p> <p>21 different?</p> <p>22 A. Firearms is twice a year, and OC spray and</p> <p>23 ASP is every other year, I think.</p> <p>24 Q. Since you became an officer, have you</p>
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<p>1 taught how to serve a warrant specifically?</p> <p>2 A. A specific class, no.</p> <p>3 Q. In general, it would have been what</p> <p>4 type of training? Did you go to a Street Survival</p> <p>5 course?</p> <p>6 A. I've been to a Street Survival course. I</p> <p>7 worked for two different sheriff departments. We</p> <p>8 served a lot of warnings.</p> <p>9 Q. What sheriff departments?</p> <p>10 A. For Berks County and Lehigh County.</p> <p>11 Q. When did you do that, sir?</p> <p>12 A. Lehigh was 2001, and Berks was 2002 until I</p> <p>13 started with Lititz. So, 2003.</p> <p>14 Q. Is there a special way to handle the</p> <p>15 service of warrants?</p> <p>16 A. A special way, no.</p> <p>17 Q. Were you taught to handle situations</p> <p>18 differently when you knew the suspect had a gun?</p> <p>19 Is there any specific training for when you get a</p> <p>20 call and so and so is down the street with a gun,</p> <p>21 do you have specific training for that versus your</p> <p>22 training?</p> <p>23 A. Every situation is different. Your</p> <p>24 training and experience would come into play with</p>	<p>1 followed the required recertification in those</p> <p>2 areas?</p> <p>3 A. Yes.</p> <p>4 Q. Were you so certified prior to</p> <p>5 November 7th and 8th of 2005?</p> <p>6 A. Yes.</p> <p>7 Q. Do you use drugs?</p> <p>8 A. No.</p> <p>9 Q. Have you ever used drugs?</p> <p>10 A. No.</p> <p>11 Q. Do you drink alcohol?</p> <p>12 A. Yes.</p> <p>13 Q. How frequently?</p> <p>14 A. Once a month.</p> <p>15 Q. Prior to the November 7th and 8th of</p> <p>16 2005 incident, when was the last time you drank</p> <p>17 any alcohol?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you recall if you had any 24 hours</p> <p>20 prior to the incident of November 7th?</p> <p>21 A. I don't recall.</p> <p>22 Q. Have you ever been convicted of a</p> <p>23 crime?</p> <p>24 A. No.</p>

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<p>1 Q. Specifically now regarding the</p> <p>2 incident that occurred on November 7th and 8th,</p> <p>3 did Daniel Faust have a scheduled appointment with</p> <p>4 the Lititz Police Department regarding the</p> <p>5 October 19, 2008 warrant obtained by Officer Hahn?</p> <p>6 A. I'm not sure if he had a scheduled time.</p> <p>7 There was a meeting set up for him to come in.</p> <p>8 Q. So, there was a meeting set up for</p> <p>9 him to come in?</p> <p>10 A. Yes, he was told a couple times either by</p> <p>11 phone or through his mother.</p> <p>12 Q. Do you know if there was a distinct</p> <p>13 time to come in?</p> <p>14 A. I don't recall.</p> <p>15 Q. But he was supposed to come in. You</p> <p>16 said either through him or his mom, and you're not</p> <p>17 sure who?</p> <p>18 A. There was a lot of different people that</p> <p>19 had taken different phone calls from them, but</p> <p>20 they wanted the vehicle back, and we explained</p> <p>21 that he needed to come in and take care of his</p> <p>22 warrants.</p> <p>23 Q. Did you ever speak to Daniel Faust</p> <p>24 before the November 7th incident about coming in?</p>	<p>1 before you sat there at his house, was there any</p> <p>2 other time that you had actual surveillance on his</p> <p>3 house?</p> <p>4 A. No.</p> <p>5 Q. Have you ever driven by or checked on</p> <p>6 the house before that, if you know?</p> <p>7 A. I don't recall if I did.</p> <p>8 Q. So, on November 7th and 8th, I just</p> <p>9 mentioned, was it you, Officer Miller and</p> <p>10 Officer Burdis, just the three of you there that</p> <p>11 evening?</p> <p>12 A. Yes.</p> <p>13 Q. Before anything else happened?</p> <p>14 A. Yes.</p> <p>15 Q. Were you in full uniform?</p> <p>16 A. Yes.</p> <p>17 Q. Were the other two officers in full</p> <p>18 uniform?</p> <p>19 A. Yes.</p> <p>20 Q. Were you in marked or unmarked</p> <p>21 vehicles?</p> <p>22 A. Marked vehicles.</p> <p>23 Q. I'm going show you -- I'll describe</p> <p>24 it. This is marked Faust Shooting, 11-8-05. It</p>
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<p>1 A. I believe I did.</p> <p>2 Q. Did you ever speak to Sandra, his</p> <p>3 mom?</p> <p>4 A. I do not believe so.</p> <p>5 Q. With Daniel, did he acknowledge that</p> <p>6 he was going to come in to you, if you recall?</p> <p>7 A. I don't recall.</p> <p>8 Q. But you did understand from the</p> <p>9 department that he was supposed to come in?</p> <p>10 A. Yes.</p> <p>11 Q. Did he ever come in for that</p> <p>12 appointment, to your knowledge?</p> <p>13 A. No, he never came in.</p> <p>14 Q. Prior to November 7th and 8th of</p> <p>15 2005, did you watch Daniel Faust's residence prior</p> <p>16 to serving the warrant, prior to November 7th?</p> <p>17 A. I'm not --</p> <p>18 Q. On the evening of November 7th,</p> <p>19 there was a stakeout by three officers, is that</p> <p>20 correct; you, Officer Miller and Officer Burdis?</p> <p>21 A. We sat there.</p> <p>22 Q. You were waiting at his house?</p> <p>23 A. Yes.</p> <p>24 Q. On the 7th before that incident,</p>	<p>1 was drawn on 11-10-05. This is a blank one.</p> <p>2 Can you mark on there where</p> <p>3 your vehicle was, where you had your vehicle?</p> <p>4 MS. FECILE-MORELAND: At what time?</p> <p>5 ---</p> <p>6 (Whereupon, Exhibit-4 was marked for</p> <p>7 identification.)</p> <p>8 ---</p> <p>9 BY MR. BERG:</p> <p>10 Q. First off, the three of you, did you</p> <p>11 meet before you got there? How did you arrange</p> <p>12 the three of you to --</p> <p>13 A. Yes, we met.</p> <p>14 Q. That night?</p> <p>15 A. That night.</p> <p>16 Q. Right before you went to the house?</p> <p>17 A. Yes.</p> <p>18 Q. And that was the three of you?</p> <p>19 A. Yes.</p> <p>20 Q. Where did you meet?</p> <p>21 A. We met at the Wise Market parking lot.</p> <p>22 Q. Which is right across the street,</p> <p>23 right in the area?</p> <p>24 A. It's right there.</p>

<p style="text-align: right;">Page 17</p> <p>1 Q. After that, did you deploy to 2 different locations? 3 A. Yes. 4 Q. Can you mark on here, to the best of 5 your knowledge, where your vehicle was? Let me 6 ask you this. 7 After you met at Wise Market, 8 you had three vehicles; did you all go to three 9 different locations? 10 A. Yes. 11 Q. That's my understanding. 12 Did you stay at those locations 13 until Daniel Faust arrived home? 14 A. With the exception of using the bathroom, 15 yes. 16 Q. With the exception of using the 17 bathroom, did you, then, you or whoever else, 18 return to the same location? 19 A. Yes. 20 Q. Can you mark on this where you were 21 located before Daniel Faust arrived home? 22 A. It would not be on this page. 23 Q. Where would it be about? 24 A. This road extends out, Heron, and I was at</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Yes. 2 Q. Well, the Faust residence is actually 3 on here marked as Block 63, so you actually 4 couldn't see it because 61, from where you were, 5 you could actually see the front of his house? 6 A. I could see the property, the driveway. 7 Q. If you know, do you know where 8 Officer Burdis' vehicle was? 9 A. I'm not sure if it was directly across. 10 There's an overflow that's very close to being 11 across the street from there for the development, 12 an overflow parking lot, and he was in there. 13 Q. Can you mark approximately, and 14 you're not sure, but it's in the overflow lot? 15 A. I'm not sure if it lines up exactly. 16 Q. That would be the Burdis vehicle? 17 A. Yes. 18 Q. Do you know where Miller's vehicle 19 was? 20 A. He was, again, it would be off the map, 21 down Crosswinds, and there's another intersecting 22 road, Tupelo, and he was near the intersection 23 there. Exactly where he was, I don't know because 24 I couldn't see him from where I was.</p>
<p style="text-align: right;">Page 18</p> <p>1 the top of a hill, like the crest of a hill. 2 Q. Why don't you mark down here at the 3 bottom that you were off the map? 4 MR. BERG: Is that okay, off the 5 diagram? 6 MS. FECILE-MORELAND: That's fine. 7 BY MR. BERG: 8 Q. And right down there, put Detz 9 vehicle and about how far down you were. 10 A. Okay. 11 Q. Could you see the house from where 12 you were? 13 A. Yes. 14 Q. About how far away were you? 15 A. I'm not sure. 16 Q. A block, two blocks, three blocks? 17 A. Less than a block. 18 Q. Just mark their vehicle, less than a 19 block. 20 MR. BERG: Is that okay, counsel? 21 MS. FECILE-MORELAND: That's fine. 22 BY MR. BERG: 23 Q. From there, you could see the Faust 24 residence?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. But he told you where he was? 2 A. Yes. 3 Q. Could you mark here Tupelo and 4 Crosswinds, and put an arrow off? 5 MR. BERG: If that's okay? 6 MS. FECILE-MORELAND: That's fine. 7 BY MR. BERG: 8 Q. Do you know from communications or 9 speaking to them, prior to the arrival of 10 Daniel Faust's house, if Miller could see the 11 house from where he was? 12 A. I don't know. 13 Q. How about Burdis? 14 A. Yes. 15 Q. Why did the three of you wait until 16 10:30 p.m. on November 7th to serve the warrant on 17 Daniel Faust? 18 A. I believe Officer Burdis had driven past 19 and noticed his vehicle wasn't there. So, he 20 assumed he wasn't home. 21 Q. Did you get any information that he 22 would be home at a certain time? 23 A. No. 24 Q. Did you make plans, prior to the</p>

<p style="text-align: right;">Page 21</p> <p>1 evening of November 7th, to go there that night, 2 or it was just something you decided that evening, 3 if you recall? 4 A. I'm pretty sure it was just that evening. 5 Q. Now, the Faust residence, is that in 6 Lititz, or is that in Warwick Township? 7 A. It's in Warwick Township. 8 Q. I understand there's a working 9 agreement between the two police forces; is that 10 correct? 11 A. We have a mutual agreement, correct. 12 Q. So, it was your warrant from Lititz; 13 is that correct? 14 A. The warrant that we were attempting to 15 serve was from Lititz Borough. 16 Q. How did you happen to call on 17 Officer Burdis to assist you that night? 18 A. We work very closely together, the two 19 police departments. I'm not sure exactly how 20 Burdis was contacted. 21 Q. At any time prior to the arrival of 22 Daniel Faust at 63 Heron Drive on November 7th 23 or 8th, did Officer Hahn ever inform you of the 24 time Daniel Faust normally returned home on Monday</p>	<p style="text-align: right;">Page 23</p> <p>1 you do? 2 A. Drove from my location down to the house. 3 Q. When you arrived there, who was there 4 at the house? Was either Burdis or Miller there 5 yet? 6 A. Burdis was across the street. We all kind 7 of got there at the same time. 8 Q. Can you describe on there where your 9 vehicle was when you pulled up at his house? 10 There's some vehicles marked there, so if they are 11 roughly in position, say so. If not, draw them 12 in. Remember, this was drawn a couple days later, 13 so do it to the best of your knowledge. 14 A. To the best of my knowledge, this was my 15 vehicle. 16 Q. Do you agree 63 is the Faust 17 residence? 18 A. Yes. 19 Q. You're indicating here. Can you put 20 a mark on that and then arrow from it? Put an 21 arrow out. 22 That vehicle is your vehicle? 23 A. Yes. 24 Q. Put number two, I guess, so it would</p>
<p style="text-align: right;">Page 22</p> <p>1 nights? 2 A. No. 3 Q. Do you know what time he actually 4 arrived home, Daniel Faust, on November 7th and 5 November 8th, that evening? Do you know what time 6 he did arrive? 7 A. I believe it was around a quarter of 1:00 8 in the morning. 9 Q. That would be the next day, then, 10 November 8th? 11 A. Yes. 12 Q. Can you describe the vehicle he drove 13 up in? 14 A. A silver-gray Ford pickup truck. 15 Q. It was not a full-sized truck, then, 16 it was a pickup, not a full-sized? 17 A. Correct, a small pickup. 18 Q. Who first noticed that he pulled up 19 at his house that night? 20 A. I'm not sure if Officer Miller had said he 21 saw the vehicle or not, but I recall 22 Officer Burdis letting us know over the radio that 23 he was pulling into the driveway. 24 Q. When did you hear that? What did</p>	<p style="text-align: right;">Page 24</p> <p>1 be for the second location. 2 A. Okay. 3 Q. Do you know where Officer Burdis' 4 vehicle was? 5 A. It was directly behind the truck. 6 Q. Can you just draw an arrow out to 7 here? 8 A. Yes. 9 Q. And then Miller? 10 A. His vehicle was on this side. I'm not sure 11 if that's the correct location or not or if it was 12 farther up in here. 13 Q. Just put a line and put not sure of 14 exact location. Put Miller, not sure exact, and 15 number two. 16 MR. BERG: Is that okay? 17 MS. FECILE-MORELAND: Whatever. 18 BY MR. BERG: 19 Q. Do you know who got out of the 20 vehicle first? Tell me what happened. 21 You pulled up with your 22 vehicle. Tell me what happened initially? 23 A. Exited my vehicle, and I approached the 24 passenger side of Mr. Faust's pickup truck.</p>

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<p>1 Q. Did you see Officer Burdis?</p> <p>2 A. Yes.</p> <p>3 Q. Where did he go?</p> <p>4 A. He was on the driver's side of the pickup</p> <p>5 truck.</p> <p>6 Q. And Officer Miller?</p> <p>7 A. On the driver's side of the pickup truck.</p> <p>8 Q. Where on the passenger side were you?</p> <p>9 A. I was at the passenger door.</p> <p>10 Q. At the door.</p> <p>11 That's a single door in that</p> <p>12 truck, isn't it, on that side?</p> <p>13 A. I believe so.</p> <p>14 Q. Where was Officer Miller?</p> <p>15 A. He was on the driver's side.</p> <p>16 Q. Where on the driver's side? By the</p> <p>17 front bumper, by the back bumper, by the door, do</p> <p>18 you know?</p> <p>19 A. I don't know. He was on the driver's side.</p> <p>20 Q. How about Officer Burdis?</p> <p>21 A. Again, on the driver's side.</p> <p>22 Q. Do you have any recollection of</p> <p>23 before any communication -- before anyone said</p> <p>24 anything or anything happened, you were at the</p>	<p>1 Q. Did you mention anything about a</p> <p>2 warrant or why he had to get out of the truck?</p> <p>3 A. I don't recall.</p> <p>4 Q. He looked at you?</p> <p>5 A. Yes.</p> <p>6 Q. What happened at that point? Did he</p> <p>7 get out of the truck?</p> <p>8 A. No.</p> <p>9 Q. What's the next thing that happened?</p> <p>10 A. Well, I was at the side of the truck</p> <p>11 pulling on the door handle, and the door was</p> <p>12 locked.</p> <p>13 Q. Then what happened?</p> <p>14 A. Then I'm not sure which officer, Miller or</p> <p>15 Burdis, said it, but if he didn't come out of the</p> <p>16 truck, they were going to break the window.</p> <p>17 Q. Did he get out of the truck at that</p> <p>18 point?</p> <p>19 A. No.</p> <p>20 Q. What's the next thing that happened?</p> <p>21 A. I moved from the passenger side to the</p> <p>22 front of the truck.</p> <p>23 Q. And the front of the truck, are you</p> <p>24 talking the very front of the truck, the front</p>
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<p>1 passenger door, and the other two were on the</p> <p>2 other side.</p> <p>3 Do you know where they were in</p> <p>4 relation to the operator's side of the vehicle?</p> <p>5 A. No, sir. All I know is they were on the</p> <p>6 driver's side when I was giving commands to</p> <p>7 Daniel.</p> <p>8 Q. Do you know how close together they</p> <p>9 were? Did you notice that?</p> <p>10 A. No.</p> <p>11 Q. Now, you gave commands to Daniel.</p> <p>12 What commands did you give?</p> <p>13 A. To come out of the truck.</p> <p>14 Q. Were you the first one that made any</p> <p>15 remarks to him?</p> <p>16 A. I don't know.</p> <p>17 Q. Did he hear you?</p> <p>18 A. He looked at me.</p> <p>19 Q. Obviously, he could see you in</p> <p>20 uniform. Was it light enough for him to tell it</p> <p>21 was a police officer?</p> <p>22 A. Correct.</p> <p>23 Q. And you said to get out of the truck?</p> <p>24 A. I'm not sure if those were my exact words.</p>	<p>1 side?</p> <p>2 A. I eventually ended up near the headlight,</p> <p>3 the driver's side headlight.</p> <p>4 Q. So, you were moving in that</p> <p>5 direction?</p> <p>6 A. Yes.</p> <p>7 Q. With your body. But what were you</p> <p>8 facing?</p> <p>9 A. I was facing the passenger compartment of</p> <p>10 the truck.</p> <p>11 Q. Then what do you recall happening</p> <p>12 next?</p> <p>13 A. The window was broken out. The driver's</p> <p>14 side window was broken.</p> <p>15 Q. Do you know who broke it?</p> <p>16 A. No.</p> <p>17 Q. You heard the glass crack?</p> <p>18 A. Yes.</p> <p>19 Q. Did you hear the glass shatter or see</p> <p>20 it shatter?</p> <p>21 A. I heard the glass break.</p> <p>22 Q. Did you happen to look at the window?</p> <p>23 A. No, I was focused on Daniel.</p> <p>24 Q. Did you know at that time what window</p>

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<p>1 broke? As I understand it, the truck had a window</p> <p>2 in the door, and there was also a little one</p> <p>3 behind that. Is that your recollection?</p> <p>4 A. Trying to think back, I believe so, there</p> <p>5 was a little window there.</p> <p>6 Q. You heard the window break, and you</p> <p>7 were focused on Daniel.</p> <p>8 Then what happened next?</p> <p>9 A. I heard two gun shots and saw the muzzle</p> <p>10 flashes come from inside the pickup truck.</p> <p>11 Q. So, you heard the gun shots, and</p> <p>12 then -- simultaneously or at different times?</p> <p>13 A. Correct, at the same time.</p> <p>14 Q. You saw the gun shots and saw the</p> <p>15 muzzle flash?</p> <p>16 A. Correct.</p> <p>17 Q. From inside?</p> <p>18 A. Correct.</p> <p>19 Q. Then what happened?</p> <p>20 A. I returned fire.</p> <p>21 Q. Prior to that time, did you have your</p> <p>22 gun out?</p> <p>23 A. Yes.</p> <p>24 Q. When did you first have your gun out?</p>	<p>1 driveway.</p> <p>2 Q. That was for your safety?</p> <p>3 A. Correct.</p> <p>4 Q. Then what happened?</p> <p>5 A. I took a second to make sure that I wasn't</p> <p>6 shot, then I looked for Officer Burdis and</p> <p>7 Officer Miller.</p> <p>8 Q. Where did you see them?</p> <p>9 A. I saw Officer Burdis standing by the bed of</p> <p>10 the pickup truck on the driver's side.</p> <p>11 Q. When you say the bed, how big is the</p> <p>12 bed in a truck like that, do you know?</p> <p>13 A. I'm not sure.</p> <p>14 Q. Do you know what portion of the bed</p> <p>15 he was standing at?</p> <p>16 A. The bed would start --</p> <p>17 Q. There's no back seat in this truck;</p> <p>18 there's a little compartment?</p> <p>19 A. I'm not sure.</p> <p>20 Q. But the bed starts at the back of the</p> <p>21 glass to the back of the truck?</p> <p>22 A. From the passenger compartment back.</p> <p>23 Q. Do you know where he was, or where</p> <p>24 you observed him?</p>
Page 30	Page 32
<p>1 A. When I first approached the vehicle.</p> <p>2 Q. And you returned fire by shooting</p> <p>3 where?</p> <p>4 A. Into the passenger compartment of the</p> <p>5 vehicle where Daniel Faust was seated.</p> <p>6 Q. Do you know how many shots you took?</p> <p>7 A. One.</p> <p>8 Q. So, at this point, you were near the</p> <p>9 front of the vehicle, so you shot through the</p> <p>10 front windshield, and the front windshield was</p> <p>11 still intact?</p> <p>12 A. Correct.</p> <p>13 Q. So, you shot through the front</p> <p>14 windshield?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know if you hit your target?</p> <p>17 Did you know if you hit Daniel Faust?</p> <p>18 A. At what time?</p> <p>19 Q. At that time. You said you shot?</p> <p>20 A. Right, I did not know at that time if I had</p> <p>21 hit him or not.</p> <p>22 Q. What happened next?</p> <p>23 A. I moved to a position of cover on the</p> <p>24 passenger side of the vehicle in the adjoining</p>	<p>1 A. No. His exact location, no.</p> <p>2 Q. Did you see Miller?</p> <p>3 A. Not at first.</p> <p>4 Q. So, then, what did you do next?</p> <p>5 A. Looked for Officer Miller.</p> <p>6 Q. Did you find him?</p> <p>7 A. Yes.</p> <p>8 Q. Where was?</p> <p>9 A. He was laying at the intersection of Heron</p> <p>10 and Crosswinds on his back.</p> <p>11 Q. When you went looking for Miller, did</p> <p>12 you know where Daniel Faust was?</p> <p>13 A. No.</p> <p>14 Q. Because Crosswinds, that's all the</p> <p>15 way down at the corner, correct?</p> <p>16 A. Correct.</p> <p>17 Q. So, you had to go around the Faust</p> <p>18 vehicle to get there, correct?</p> <p>19 A. I had to go passed it, yes.</p> <p>20 Q. When you saw him down at the corner,</p> <p>21 where was Officer Burdis?</p> <p>22 A. I believe he was still in that bed or</p> <p>23 behind the pickup.</p> <p>24 Q. When you found Officer Miller on his</p>

<p style="text-align: right;">Page 33</p> <p>1 back at the corner, what did you do next?</p> <p>2 A. When I saw him down there, I ran to him.</p> <p>3 Q. Then what did you do?</p> <p>4 A. I tried to determine where he was bleeding</p> <p>5 from.</p> <p>6 Q. Could you?</p> <p>7 A. I could tell that he was bleeding from his</p> <p>8 right arm.</p> <p>9 Q. Then Officer Burdis, where was he at</p> <p>10 that moment, do you know?</p> <p>11 A. No.</p> <p>12 Q. What did you do next?</p> <p>13 A. Officer Burdis arrived, brought his vehicle</p> <p>14 down to where we were, then Officer Burdis and I</p> <p>15 picked up Officer Miller and loaded him into the</p> <p>16 back of Officer Burdis's vehicle.</p> <p>17 Q. Had there been radio contact with</p> <p>18 headquarters or anyone during that period of time,</p> <p>19 that you recall?</p> <p>20 A. Yes.</p> <p>21 Q. You were on the radio contact?</p> <p>22 A. Yes.</p> <p>23 Q. What were you saying, if you recall?</p> <p>24 A. Shots fired at officers, 63 Heron Lane, and</p>	<p style="text-align: right;">Page 35</p> <p>1 BY MR. BERG:</p> <p>2 Q. Did you go to the hospital with</p> <p>3 them?</p> <p>4 A. No.</p> <p>5 Q. You stayed at the scene?</p> <p>6 A. Correct.</p> <p>7 Q. They left?</p> <p>8 A. Officer Miller and Burdis.</p> <p>9 Q. Officer Burdis, who was driving, and</p> <p>10 Officer Miller was in the back seat of the</p> <p>11 vehicle?</p> <p>12 A. Correct.</p> <p>13 Q. What did you do at that point?</p> <p>14 A. Officer Brady and I, who had pulled up</p> <p>15 where Officer Miller was, began looking for</p> <p>16 Daniel.</p> <p>17 Q. Officer Brady, who was he?</p> <p>18 A. Officer Brady is an officer with the</p> <p>19 Warwick Township Police Department.</p> <p>20 Q. He arrived on the scene after the</p> <p>21 radio call?</p> <p>22 A. I believe he heard the shots fired, and he</p> <p>23 arrived.</p> <p>24 Q. He heard the shots?</p>
<p style="text-align: right;">Page 34</p> <p>1 I believe I said that it was -- who I was, it was</p> <p>2 Lititz Borough Township.</p> <p>3 Q. Did you mention anything about Miller</p> <p>4 at that point?</p> <p>5 A. At first?</p> <p>6 Q. Yes.</p> <p>7 A. I don't believe so. I made mention that</p> <p>8 there was an officer down, once I was down to him</p> <p>9 and knew that he was down.</p> <p>10 Q. Then you put him into</p> <p>11 Officer Burdis' vehicle, and Officer Burdis took</p> <p>12 him to the hospital?</p> <p>13 A. Correct.</p> <p>14 Q. You stayed there?</p> <p>15 A. Correct.</p> <p>16 Q. What did you do next when they left?</p> <p>17 MS. FECILE-MORLAND: Hold on,</p> <p>18 counsel. You said you stayed there.</p> <p>19 You went in the truck with</p> <p>20 Burdis and Miller, right, or did you stay</p> <p>21 on the scene?</p> <p>22 THE WITNESS: No.</p> <p>23 MR. BERG: I think he said he put</p> <p>24 him into the vehicle.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I'm sorry, I don't know what he heard.</p> <p>2 Q. He arrived?</p> <p>3 A. Yes.</p> <p>4 Q. That's all you know.</p> <p>5 Did you happen to see</p> <p>6 Daniel Faust after you moved, for your protection,</p> <p>7 to the side of the vehicle, did you see</p> <p>8 Daniel Faust again?</p> <p>9 A. No.</p> <p>10 Q. Did you see him leave his vehicle?</p> <p>11 A. No.</p> <p>12 Q. When you got back looking for him, he</p> <p>13 was not in the vehicle; is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. What door, if any, was open, the</p> <p>16 driver's side or passenger side? Were they open</p> <p>17 when you got to the back to the vehicle, if you</p> <p>18 recall?</p> <p>19 A. The passenger door was not open, but I</p> <p>20 don't recall if the driver's door was open or not.</p> <p>21 Q. But he was not in the vehicle?</p> <p>22 A. Correct.</p> <p>23 Q. When you saw Daniel Faust when you</p> <p>24 first confronted him, did you tell him you had a</p>

Warwick Township Police		Faust Shooting	
Drawn By	Date Drawn	Incident Date:	Case Number
Off. Curt Ochs	1/10/2005	1/08/2005	05-11-11033
Location:		65 Heron Road	Scale
			1" = 31.6'

EXHIBIT
4
9-17-67 2004

